ITS Mississippi Department of
Information Technology Services

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David C. Johnson, Executive Director

Notice of Intent to Certify Sole Source

To: Interested Parties

From: David C. Johnson

CC: ITS Project Number 46366

Date: July 27, 2021

Re: Sole Source Certification Number 4397 to provide Curve Advisory Reporting Service (CARS) Licenses for the Mississippi Department of Transportation (MDOT)

Contact Name: Jay Woodruff

Contact Phone Number: 601-432-8001

Contact E-mail Address: jay.woodruff@its.ms.gov

Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 4397 for the Mississippi Department of Transportation (MDOT), please be advised that ITS intends to award Rieker Inc., as the sole source provider of Curve Advisory Reporting Service (CARS) Licenses through August 11, 2024, in an amount not to exceed $81,540.00. Please be advised that ITS will determine if additional licenses, software, equipment, or support are within scope during the certification period and may increase the spending authority accordingly. Should Rieker Inc. change their name during this certification period, then ITS will determine if a recertification is necessary. For an explanation regarding Mississippi state law, policy and procedures for sole source procurements, refer to Attachment C: Sole Source Procurement Overview.

Sole Source Criteria

1. The product or services being purchased must perform a function for which no other product or source of services exist:

   MDOT contracted with Rieker Inc. in 2016 and 2019 to utilize their Curve Advisory Reporting Service (CARS) equipment and software in order to meet the 2019 federal mandate that all curve warning signs on state routes with greater than 1,000 average daily traffic (ADT) be reevaluated per the Manual on Uniform Traffic Control Devices (MUTCD) 2009 standards to survey and re-sign all horizontal curve for safe curve speed. The system is unique in the industry in that it combines the Rieker proprietary ball bank technology with a proprietary software solution. The system allows a single driver to survey a road at virtually any speed, without the need to achieve a speed necessary to exceed the recommended lateral acceleration. In addition, the system automates reporting and stores the road telemetry for future

analysis or review. To date, no other supplier has a similar system that produces results using any test speed. In addition, Rieker does not resell the internal sensor technology to other suppliers, so the capabilities are unique to the Rieker product.

The customer's sole source certification request is included as Attachment A.

2. The purchaser must be able to show specific business objectives that can be met only through the unique product or services:

   This product will provide curve identification and analysis capabilities for the safety evaluation of curves on non-MDOT maintained roadways in two counties in Mississippi. This project is being conducted by the Highway and Rail Safety Division at MDOT for the purpose of identification of locations with an opportunity for safety improvement as it relates to run-off-the-road, sideswipe, and head-on crashes contained in or adjacent to curves. The ultimate goal is to reduce or eliminate those crash types associated with curves and curve signage.

   The customer's sole source certification request is included as Attachment A.

3. The product or services must be available only from the manufacturer and not through resellers who could submit competitive pricing for the product or services:

   Currently, Rieker is manufacturing this unique system and offering it exclusively to the Departments of Transportation. Rieker is the only solution on the market today that will allow the individual states to be compliant with the 2019 deadline from the Manual of Uniform Traffic Control Devices (MUTCD).

   The Vendor's sole source certification letter is included as Attachment B.

Schedule

Task	Date
First Advertisement Date	07/27/21
Second Advertisement Date	08/03/21
Response Deadline From Objectors	08/10/21 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 08/11/21

Project Details

In October 2014, MDOT procured the CARS system through then approved sole source processes for two years at a total cost of $8,400.00. In May 2016, ITS issued Sole Source Certification Number 3918 for CARS hardware and software for three years to reevaluate the state's roads. In July 2019, ITS issued Sole Source Certification number 4217 for CARS After Care to allow access to the collected data and allow follow up data collection as needed. MDOT needs additional CARS Licenses to allow Copiah and Warren counties to be a pilot evaluation of curves on non-MDOT maintained roadways. With this renewal, the total lifecycle cost is $403,940.00.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the Curve Advisory Reporting Service (CARS) Licenses should not be certified as a sole source should provide information in the following format for the state to use in determining whether or not to proceed with awarding the Sole Source contract to Rieker Inc.

1.1   Interested Party Information

       1.1.1   Contact Name, Phone Number and email address

       1.1.2   Company Website URL, if applicable

1.2   Objection to Sole Source Certification

       1.2.1   Interested parties must present specific objections to the Sole Source certification using the criteria listed above.

       1.2.2   A statement regarding the Interested Party's capabilities as related to this Sole Source Certification Request.

1.3   Comments will be accepted at any time prior to Tuesday, August 10, 2021, at 3:00 p.m. (Central Time) to Jay Woodruff at jay.woodruff@its.ms.gov or at the Mississippi Department of Information Technology Services, 3771 Eastwood Drive, Jackson, Mississippi 39211. Responses may be delivered by hand, via regular mail, overnight delivery, e-mail or by fax. Fax number is (601) 713-6380. ITS WILL NOT BE RESPONSIBLE FOR DELAYS IN THE DELIVERY OF RESPONSES. It is solely the responsibility of the Interested Parties that responses reach ITS on time. Interested Parties may contact Jay Woodruff to verify the receipt of their Responses. Responses received after the deadline will be rejected.

1.4   Interested Party responses should include the following information:

SUBMITTED IN RESPONSE TO **Sole Source Certification No. 4397-46366** **Accepted until August 10, 2021@ 3:00 p.m.,** **ATTENTION: Jay Woodruff**

If you have any questions concerning the information above or if we can be of further assistance, please contact Jay Woodruff at 601-432-8001 or via email at jay.woodruff@its.ms.gov.

Attachment A: Customer Sole Source Certification Request
Attachment B: Vendor Correspondence
Attachment C: Sole Source Procurement Overview

ITS
mississippi department of
Information Technology Services

Sole Source Certification Request

Project Title: Curve Analysis Licensing	Stimulus (ARRA) Funds? Yes_ No _X_

Customer Contact Information

Agency/Public University: Department of Transportation **Address**: 401 North West Street, Jackson, MS 39201	**Contact Person: Bo Dickerson** **Phone: 601-359-7483** **Email Address: bdickerson@mdot.ms.gov**
MAGIC Customer Number (only required from state agencies)**:** **7000000251 (MDOT – Transportation Jackson)**	**Division/Dept.:** **Handmail:** ☐ Yes ☒ No

Project Summary *Narrative Description of Project* (include details of original acquisition if applicable):

MDOT contracted with Rieker Inc. in 2016 and 2019 to utilize their Curve Advisory Reporting Service (CARS) equipment and software in order to meet the 2019 federal mandate that all curve warning signs on state routes with greater than 1,000 average daily traffic (ADT) be reevaluated per MUTCD 2009 standards to survey and re-sign all horizontal curve for safe curve speed. MDOT would like to amend the current contract to allow for 2 counties to be evaluated (Copiah and Warren) as a pilot evaluation of curves on non-MDOT maintained roadways. This project is being conducted by the Highway and Rail Safety Division at MDOT for the purpose of identification of locations with an opportunity for safety improvement as it relates to run-off-the-road, sideswipe, and head-on crashes contained in or adjacent to curves. The ultimate goal is to reduce or eliminate those crash types associated with curves and curve signage.

ITS Acquisition Approval (CP-1) should be effective through this date (Please allow time for all vendor invoices to be paid): 09/01/2024

Cost Estimates *Fiscal Year*	*Initial Costs*	*Ongoing Costs*	**Time Constraints** Item Needed by: 05/01/2021 Funds Expire: 06/30/2021	**Anticipated Lifecycle of Products/System** (i.e. estimated years of effective use: Three Years
FY21	**$81,540.00**	**$0.00**	**Discuss Funding** (e.g. how much of needed funding is definite; total project budget; any matching or other non-state funds).	
Total	**$81,540.00**			

Acquisition Details

Items Requested	Quantity	Description	Building Location(s)
CARS Territory Discount Pricing	1,812	Copiah & Warren Mississippi county miles	

Describe platform & infrastructure (connectivity; software/hardware platforms; utilization of State Data Center resources: mainframe, eGovernment portal, payment engine, document management, hosting). For equipment or hosting outside the State Data Center, attach justification:

None, this is SAAS through internet login.

Progress to Date: What has been done related to this project, including any communication with ITS staff (data/voice/procurement/other)?

Sole Source Certification Note: Certification must be renewed for each revision or continuation of previous Sole Source Approvals.

Specific business requirements to be met by the requested products or services

This product will provide curve identification and analysis capabilities for the safety evaluation of curves on non-MDOT maintained roadways in two counties in Mississippi. This project is being conducted by the Highway and Rail Safety Division at MDOT for the purpose of identification of locations with an opportunity for safety improvement as it relates to run-off-the-road, sideswipe, and head-on crashes contained in or adjacent to curves. The ultimate goal is to reduce or eliminate those crash types associated with curves and curve signage.

Explain why these products or services are the only ones that can meet your needs (include unique features/special functionality)**:**

MDOT contracted with Rieker Inc. in 2016 and 2019 to utilize their Curve Advisory Reporting Service (CARS) equipment and software in order to meet the 2019 federal mandate that all curve warning signs on state routes with greater than 1,000 average daily traffic (ADT) be reevaluated per MUTCD 2009 standards to survey and re-sign all horizontal curve for safe curve speed. The system is unique in the industry in that it combines the Rieker proprietary ball bank technology with a proprietary software solution. The system allows a single driver to survey a road at virtually any speed, without the need to achieve a speed necessary to exceed the recommended lateral acceleration. In addition, the system automates reporting and stores the road telemetry for future analysis or review. To date, no other supplier has a similar system that produces results using any test speed. In addition, Rieker does not resell the internal sensor technology to other suppliers, so the capabilities are unique to the Rieker product.

Explain why the source is the only entity that can provide the products or services (Include other products/vendors researched or evaluated)**:**

The Rieker Inc. Curve Advisory Reporting Service (CARS) system is unique in the industry in that it combines proprietary ball bank technology with a proprietary software solution. Rieker is manufacturing this unique system and offering it directly to the Departments of Transportation and is the only source to purchase this complete solution.

Vendor's Certification of Sole Source attached: ⊠ Yes ☐ No	Vendor's proposal submitted: ⊠ Yes ☐ No

MAGIC Vendor Code(s) 3102004510 Vendor must be in MAGIC before a CP-1 can be issued.

Place Order To:	Remit To
Vendor Name: Rieker Instrument Co. Inc	Vendor Name: Rieker Instrument Co. Inc
Vendor Address: Rieker Inc,	Vendor Address: Rieker Inc,
PO Box 415	PO Box 415
Chester Heights, PA 19017	Chester Heights, PA 19017

By my signature, I certify that, to the best of my professional knowledge: the requested product or services are a sole source as outlined in the ITS Procurement Handbook, Rule 207.2:013-030 Procurement Types: Sole Source, and as outlined in Mississippi Code annotated Section 31-7-13. In addition, I acknowledge that there is a charge for ITS procurement services associated with this request which will be billed to the requestor by ITS and that my agency/public university is responsible for these charges/costs.

BRAD WHITE,
_____
Name (Agency Head or Public University CIO)/Title

EXECUTIVE DIRECTOR
MDOT

_____ 7-21-21
Signature   Date

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4-Mar-2021
To: Whom it may concern
Re: Rieker Curve Advisory Reporting Service (CARS™)

Rieker Inc. has recently completed the development of a proprietary system and is now making it available as the Rieker Curve Advisory Reporting Service (CARS™). CARS will facilitate the MUTCD 2009 mandate to survey and re-sign all horizontal curves for safe curve speed. This development was built on the existing Rieker® RDS7-BB09 technology which is currently the basis for electronically ball banking curves. The development was the outgrowth of feedback collected from various DOT's over the years to allow a single driver to complete a survey safely and accurately.

The new system satisfies the MUTCD 2009 standards. The system is unique in the industry in that it combines the Rieker proprietary ball bank technology with a proprietary software solution. The system allows a single driver to survey a road at virtually any speed, without the need to achieve a speed necessary to exceed the recommended lateral acceleration. In addition, the system automates reporting and stores the road telemetry for future analysis or review. To date, no other supplier has a similar system that produces results using any test speed. In addition, Rieker does not resell the internal sensor technology to other suppliers, so the capabilities are unique to the Rieker product.

Rieker is the Original Equipment Manufacturer, and has been supplying mechanical ball bank indicators to the department of transportation since the 1960's and the electronic ball bank units since the mid 1990's. The electronic ball bank indicator, with its adjustable alarm settings and serial data output, is currently the standard for determining safe curve speed throughout the US and the world.

Rieker developed the system to meet the MUTCD 2009 mandate which requires a standardized method for posting of safe curve speed. Compliance is required by year end 2019. In order to meet this aggressive timeline, an efficient solution that minimizes human resources is required.

Rieker is manufacturing this unique system and offering it directly to the Departments of Transportation and is the only source to purchase this complete solution. Rieker is not aware of any solution on the market today that will allow the individual states to be compliant with the 2019 deadline from the MUTCD. Any manual solution satisfying the same requirements would cost several million dollars and require much more organization than can be achieved with the Rieker CARS™ solution.

Available for immediate distribution
Signed

Tyler Johns

The acquisition of information technology for all state agencies and institutions of higher learning (IHLs) is within the scope of the ITS law, found in Mississippi Code Section 25-53-1, et seq., and the policies and procedures established in accordance with this statute, found in the ITS Procurement Handbook posted on the ITS website (www.its.ms.gov).

ITS enabling legislation requires that information technology hardware, software and services be acquired in a manner that insures the maximum of competition among all manufacturers and suppliers of such equipment and services. Accordingly, ITS promotes full and open competition through the issuance of open specifications and the objective evaluation of Interested Party proposals to determine the lowest and best offering to meet an agency's or public university's business requirements. True competition protects the integrity and credibility of purchasing in the public sector and is essential in providing best value and adequate contractual protection for the purchasing entity. In certain limited situations, information technology acquisitions may be sole-sourced.

ITS utilizes the provisions of Public Purchasing Law for Sole Source and Emergency procurements of information technology. Mississippi Public Purchasing Law (Mississippi Code Section 31-7-13) specifies that noncompetitive items available from one source only be exempted from bid requirements (sole-sourced). ITS statute, in Section 25-53-5 (p), permits ITS to utilize provisions in Public Purchasing Law or regulations, when applicable.

Per Public Purchasing law, acquisitions must meet the following criteria to be authorized as sole source:

1.   The product or services being purchased must perform a function for which no other product or source of services exists,

2.   The purchaser must be able to show specific business objectives that can be met only through the unique product or services, AND

3.   The product or services must be available only from the manufacturer and NOT through resellers who could submit competitive pricing for the product or services. The vendor's correspondence regarding this criterion for this project is included as Attachment B.

By policy as documented in the ITS Procurement Handbook, acquisitions of IT services must include the following information to be authorized as sole source:

1.   An explanation about why the amount to be expended is reasonable, and

2.   An explanation regarding the efforts by the purchaser to obtain the best possible price.

For state agencies, approval of all technology purchases with a lifecycle cost of $5,000 or less, including sole source purchases, has been delegated to the agency. The ITS Procurement Limits Policies for Agencies (a section in the ITS Procurement Handbook) require a minimum of two competitive written bids or proposals for technology purchases with a lifecycle cost over $5,000 but not over $50,000 (not over $25,000 for projects funded by the American Recovery and Reinvestment Act). Since, for single source items, the procuring agency will be unable to obtain two written bids, ITS must certify all sole source acquisitions of information technology with a lifecycle cost greater than $5,000.

Institutions of Higher Learning (IHLs) or public universities have been delegated the authority to certify sole source procurements up to $250,000 lifecycle cost under the ITS Procurement Limits Policies for IHLs (a section in the ITS Procurement Handbook). For the certification of sole source procurements delegated to the CIOs at public universities, the public university must follow ITS' Sole Source Procedure, including advertisement of the intent to award as sole source. Institutions certifying a sole source purchase must ensure the criteria listed above are met and documented in writing by the institution and the Interested Party prior to certifying a product or service as sole source. Sole source documentation must be reviewed and approved by the IHL's CIO for any sole-source certification

above $5,000. All sole source documentation should be retained in the public university's procurement file. Sole source requests above $250,000 lifecycle cost require ITS approval.

Other than the delegations outlined above, all sole source technology procurements must be certified by ITS. The customer's Sole Source Certification Request for this project is included as Attachment A.

ITS thoroughly reviews Sole Source Certification Requests, determining if competing products and/or services exist. If so, ITS conducts a competitive procurement. If ITS' review confirms the sole source, then a Sole Source advertisement is issued, giving other Interested Parties an opportunity to identify competing products and/or services. Based upon the results of the Sole Source advertisement, ITS will either certify the request as a sole source or conduct a competitive procurement.